

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TEFIDA, ZAO, and
MARINE FISHING INTERNATIONAL, INC.,
Plaintiffs,

v.

1,925 CARTONS OF CRAB, and
ALYE PARUSA LIMITED LIABILITY
COMPANY
Defendants.

IN ADMIRALTY

Case No. 2:13-cv-00464-RSM

ORDER APPOINTING
SUBSTITUTE CUSTODIAN AND
FOR AUTHORITY TO MOVE
CARTONS OF CRAB TO COLD
STORAGE

Plaintiffs, Tefida, ZAO and Marine Fishing International, Inc., by and through their attorneys Douglas M. Fryer and John E. Casperson of Holmes Weddle & Barcott, P.C., having appeared, now make the following recitals:

1. On April 10, 2013, an Amended Complaint herein was filed praying that newly discovered 14 cartons of crab (hereinafter "Crab") be arrested pursuant to Rule D of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, *in rem*.

2. In the immediate future, the Clerk of this Court is expected to issue a Warrant for Arrest of the Crab commanding the United States Marshal for this District to

1. attach and take into custody the Crab and to detain the same in his custody until further
2. order of this Court respecting same.

3. 3. It is contemplated that the United States Marshal will seize the Crab
4. forthwith. Custody by the United States Marshal requires the services of one or more
5. keepers at charges substantially in excess of those to be made by the substitute custodian
6. alone, not including charges for storage and the other services usually associated with
7. safekeeping of product similar to the Crab.

8. 4. The Crab is currently located at the Lineage cold storage facility located at
9. 206 Southwest Michigan Street, Seattle, WA. Plaintiffs desire to allow Marine Lenders
10. Services to assume the responsibility of safekeeping and storage of the Crab, and Marine
11. Lenders Services has consented to act as custodian until further order of this Court.
12. Marine Lenders Services has also consented to move the Crab from its location on the
13. Vessel to a suitable marine cold storage facility, if necessary.

14. 5. Buck Fowler, the Managing Member of Marine Lenders Services, by his
15. certification at Docket at 5, states that he can arrange for adequate facilities and
16. supervision for the proper safekeeping of the Crab. Further, in said certification, Marine
17. Lenders Services accepts, in accordance with the terms of this order, possession of the
18. Crab that is the subject of the action herein.

19. 6. In consideration of the United States Marshal's consent to the appointment
20. of Marine Lenders Services as substitute custodian, plaintiffs agree to release the United
21. States and the United States Marshal from any and all liability and responsibility arising
22. out of care and custody of the Crab, from the time that the United States Marshal transfers
23. possession of the Crab over to said substitute custodian, and plaintiffs further agree to
24. hold harmless and indemnify the United States and the United States Marshal from any
25.

1. and all claims whatsoever arising out of the substitute custodian's possession and
2. safekeeping.

3. THEREFORE, IT IS ORDERED that the United States Marshal for the Western
4. District of Washington is authorized, upon seizure of the Crab, to surrender the
5. possession thereof to Marine Lenders Services as substitute custodian named herein, and
6. that upon such surrender the United States Marshal shall be discharged from the duties
7. and responsibilities for the safekeeping of the Crab and held harmless from any and all
8. claims arising whatever out of said custodial services.

9. IT IS FURTHER ORDERED that Marine Lenders Services is appointed substitute
10. custodian of the Crab and shall retain the Crab in its custody for possession and
11. safekeeping until further order of this Court and that Marine Lenders Services may move
12. the Crab from its current location to a secure cold storage facility within the district to
13. provide additional security or less expensive storage. All costs for such movement shall
14. be paid by plaintiffs, and may, upon further order of this Court, be deemed administrative
15. costs herein.

16. It is further requested that the Clerk of this Court deliver three certified copies of
17. this order to the United States Marshal forthwith.

18. DATED this 15 day of April 2013.

21. 

22. RICARDO S. MARTINEZ
23. UNITED STATES DISTRICT JUDGE
24.
25.

Presented by:

HOLMES WEDDLE & BARCOTT, P.C.

s/ John E. Casperson

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